







**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**KENNETH ALTIZIO,**

**Docket No.: 07 CV 6663 (CLB)(GAY)**

**Plaintiff,**

**-against-**

**AFFIRMATION IN OPPOSITION**

**MARIOTT INTERNATIONAL, INC.,**

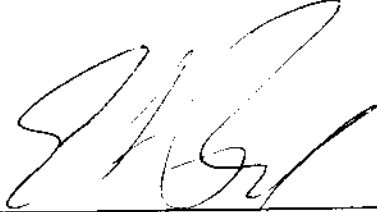
**Defendant.**  
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**EDWARD L. FORD, an attorney duly appointed to practice in this Court and in the State of New York, hereby affirms the following under penalty of perjury.**

- 1. That I hereby appear for the Plaintiff in the above captioned action under the request of the bankruptcy Trustee Mr. MICHAEL O'LEARY, Esq. to oppose the instant motion.**
- 2. That the action was brought in the Supreme Court of the State of New York, County of Putnam and was removed to this Court at the option of the Defendant.**
- 3. That "... Removal Statutes are to be strictly construed, however, and any doubts resolved in favor of remand ..." BEATIE & OSBORN, LLP v. PATRIOT SCIENTIFIC CORP., 431 F. Supp. 2nd 367, 382-83 (SDNY, 2006); CODAPRO CORP. v. WILSON 997 F. Supp. 322, 324-25.**

**W H E R E F O R E**, Plaintiff **KENNETH ALTIZIO** respectfully requests that this Court remand this action to the Supreme Court of the State of New York, County of Putnam.

**Dated: White Plains, NY**  
**September 18, 2007**

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**EDWARD L. FORD (EF 0788)**

### **AFFIRMATION OF SERVICE**

**I, EDWARD L. FORD, being an attorney duly admitted to the practice of Law in the State of New York, hereby affirms the following under penalties of perjury:**

**I am not a party to the action, and am over eighteen (18) years of age and reside in Nyack, New York 10960. On September 18, 2007, I served the attached AFFIRMATION IN OPPOSITION by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U. S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:**

**Garbarini & Scher, P.C.  
432 Park Avenue South  
New York, NY 10016-8013**

A handwritten signature in black ink, appearing to read 'E. L. Ford', written over a horizontal line.

**EDWARD L. FORD (EF0788)**